

**ASSEMBLY BILL**

**No. 1010**

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**Introduced by Assembly Member Medina**

February 26, 2015

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An act to amend Section 87482.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1010, as introduced, Medina. Community colleges: part-time, temporary employees.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.

Existing law requires that a person employed to teach adult or community college classes for not more than 67% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee.

This bill would urge community college districts without a collective bargaining agreement with part-time, temporary faculty in effect as of January 1, 2016, to commence negotiations with the exclusive representatives for part-time, temporary faculty regarding the terms and conditions required by the bill on or after January 1, 2016. The bill would require community college districts with a collective bargaining agreement in effect as of January 1, 2016, to comply with the provisions of the bill as part of any successor negotiations. The bill would specify

minimum standards for the treatment of part-time, temporary faculty to be met by community college collective bargaining agreements negotiated on or after January 1, 2016. These standards would relate to, among other issues, evaluation procedures, workload distribution, and seniority rights.

To the extent that this bill would impose new duties on community college districts, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 87482.5 of the Education Code is  
2 amended to read:  
3 87482.5. (a) Notwithstanding any other law, a person who is  
4 employed to teach adult or community college classes for not more  
5 than 67 percent of the hours per week considered a full-time  
6 assignment for regular employees having comparable duties shall  
7 be classified as a temporary employee, and shall not become a  
8 contract employee under Section 87604. If the provisions of this  
9 section are in conflict with the terms of a collective bargaining  
10 agreement in effect on or before January 1, 2009, the provisions  
11 of this section shall govern the employees subject to that agreement  
12 upon the expiration of the agreement.  
13 (b) Service as a substitute on a day-to-day basis by persons  
14 employed under this section shall not be used for purposes of  
15 calculating eligibility for contract or regular status.  
16 (c) (1) Service in professional ancillary activities by persons  
17 employed under this section, including, but not necessarily limited  
18 to, governance, staff development, grant writing, and advising  
19 student organizations, shall not be used for purposes of calculating  
20 eligibility for contract or regular status unless otherwise provided

1 for in a collective bargaining agreement applicable to a person  
2 employed under this section.

3 (2) This subdivision ~~may~~ shall not be construed to affect the  
4 requirements of subdivision (d) of Section 84362.

5 (d) (1) *The Legislature urges community college districts that*  
6 *do not have a collective bargaining agreement with part-time,*  
7 *temporary faculty in effect as of January 1, 2016, to commence*  
8 *negotiations with the exclusive representatives for part-time,*  
9 *temporary faculty regarding the terms and conditions required by*  
10 *subdivision (e) on or after January 1, 2016. The Legislature*  
11 *encourages the parties to these negotiations to agree to additional*  
12 *negotiated rights for part-time, temporary faculty.*

13 (2) *It is the intent of the Legislature:*

14 (A) *That adoption of provisions in compliance with subdivision*  
15 *(e) shall be included as part of the usual and customary*  
16 *negotiations between the community college district and the*  
17 *exclusive representative for part-time, temporary faculty.*

18 (B) *That a community college district meet the minimum*  
19 *standards established by this section through the negotiation*  
20 *process between the community college district and the exclusive*  
21 *representative for part-time, temporary faculty.*

22 (e) *A community college district that enters into a collective*  
23 *bargaining agreement on or after January 1, 2016, shall comply*  
24 *with all of the following:*

25 (1) *Upon initial hire, a part-time, temporary faculty member*  
26 *shall be evaluated by a committee that shall include, but not*  
27 *necessarily be limited to, a contract or regular faculty peer*  
28 *evaluator who has expertise in the subject matter of the part-time,*  
29 *temporary faculty member's assignment. The evaluation committee*  
30 *may additionally include other evaluators, such as a department*  
31 *chair, dean, or a second peer. The terms and conditions of the*  
32 *evaluation process and procedures shall be locally negotiated*  
33 *between the community college district and the exclusive*  
34 *representative for part-time, temporary faculty. Subsequent to his*  
35 *or her initial hire, each part-time, temporary faculty member shall*  
36 *be evaluated at least once every six semesters or nine quarters of*  
37 *service, exclusive of summer and intersession terms.*

38 (2) *After six semesters or nine quarters of service, exclusive of*  
39 *summer and intersession terms, each part-time, temporary faculty*  
40 *member who has not received a less-than-satisfactory evaluation*

1 during the preceding six semesters or nine quarters of service shall  
2 be placed on a seniority list for each assignment at each college  
3 where he or she holds a current assignment during the seventh  
4 semester or 10th quarter of service, irrespective of how many times  
5 he or she has completed each unique assignment. The seniority  
6 for all assignments shall be determined based on the first date of  
7 hire at the applicable college. Seniority lists shall be by campus  
8 unless otherwise locally negotiated between the community college  
9 district and the exclusive representative for part-time, temporary  
10 faculty.

11 (3) For semester seven or quarter 10 and beyond, each  
12 community college district shall endeavor to maintain the workload  
13 equivalent that the part-time, temporary faculty member was  
14 assigned during semester six or quarter nine, subject to both of  
15 the following:

16 (A) As new assignments become available due to growth or  
17 attrition, these assignments shall be offered in seniority order to  
18 those part-time, temporary faculty members who have: (i) qualified  
19 to be placed on the seniority list pursuant to paragraph (2), and  
20 (ii) previously successfully completed that same assignment. These  
21 assignments may be made up to a maximum annualized load,  
22 exclusive of summer and intersession terms, in the range of 60 to  
23 67 percent of a full-time equivalent load.

24 (B) In cases where a reduction in assignment needs to occur  
25 due to program needs, budget constraints, or more contract faculty  
26 hires, the reduction shall occur first from among those part-time,  
27 temporary faculty members who have not yet qualified to be placed  
28 on the seniority list, and thereafter in reverse seniority order, with  
29 the least senior part-time, temporary faculty member reduced first.  
30 Any rights to a certain workload equivalent shall be maintained  
31 for a period of 18 months. In cases of class cancellation due to  
32 low enrollment, faculty members shall displace faculty members  
33 who are lower than they are on the seniority list, provided that the  
34 class cancellation occurs prior to the first class meeting day.

35 (4) If a part-time, temporary faculty member rejects any offered  
36 assignment, he or she shall have his or her workload equivalent  
37 reduced accordingly. If he or she rejects all offered assignments,  
38 he or she shall lose all seniority rights.

1     (5) *Additional leave or break-in-service provisions may be*  
2     *locally negotiated between the community college district and the*  
3     *exclusive representative for part-time, temporary faculty.*

4     (6) *In cases where a part-time, temporary faculty member,*  
5     *subsequent to qualifying to be placed on the seniority list, receives*  
6     *a less-than-satisfactory evaluation, as that term is defined in the*  
7     *collective bargaining agreement between the community college*  
8     *district and the exclusive representative for part-time, temporary*  
9     *faculty, the faculty member shall be provided a written plan of*  
10    *remediation with concrete suggestions for improvement. The faculty*  
11    *member shall be evaluated again the following semester. If the*  
12    *outcome of this subsequent evaluation is also less than satisfactory,*  
13    *the faculty member shall lose all seniority rights, and may be*  
14    *dismissed at the discretion of the district. Appeal and grievance*  
15    *rights and procedures, if any, shall be subject to local collective*  
16    *bargaining.*

17    (7) *In all cases, part-time faculty assignments are temporary*  
18    *in nature, contingent on enrollment and funding, and subject to*  
19    *program changes, and no part-time faculty member has a*  
20    *reasonable assurance of continued employment at any point,*  
21    *irrespective of the status, length of service, or reemployment*  
22    *preference seniority of that part-time, temporary faculty member.*

23    SEC. 2. If the Commission on State Mandates determines that  
24    this act contains costs mandated by the state, reimbursement to  
25    local agencies and school districts for those costs shall be made  
26    pursuant to Part 7 (commencing with Section 17500) of Division  
27    4 of Title 2 of the Government Code.